

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-109

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

PIERRE O. COLQUITT,

Defendant.

:

ORDER

This case¹ is before the Magistrate Judge upon Defendant's tendering of the two attached documents, both of which are labeled "Motion for Reconsideration" and were tendered to the Clerk by the Defendant by hand on July 10, 2019. The text of each reads "I am filing this 999.9 zillion dollars times the same amount repeated thirty-five times "for the courts mistake Ex. 1, pgs. 1-2 motion for reconsideration Def. Ex. B who told the CI to meet him at 826 W. Pleasant St." After the Defendant's signature appears the word "Love."

On May 6, 2019, Judge Rice filed an Amended Decision and Entry in this case providing

No further filings are to be accepted by the Clerk of Court's Office, without the written permission of Magistrate Judge Michael R. Merz. While always helpful, the Magistrate Judge is to prepare no further Report and Recommendations, should said judicial officer deny Defendant herein the right to file any further matters in the

¹ Exclusive of the proceedings on the alleged supervised release violation, which is exclusively before District Judge Rice. (See Notice to the Parties, ECF No. 271)..

captioned cause. The denial by the Magistrate Judge will be sufficient to trigger sanctions from the undersigned, pursuant to the Decision and Entry filed April 12, 2019 (Doc. #257).

(ECF No. 261, PageID 2820).

On April 12, 2019, Judge Rice adopted a Report and Recommendations from the undersigned recommending Defendant be sanctioned under Fed.R.Civ.P. 11(c) for repeated frivolous filings. (Decision and Entry, ECF No. 257). Judge Rice expressly provided

Pursuant to Fed. R. Civ. P. 11 (c), Defendant is PROHIBITED from filing any additional paper in the above-captioned case without the prior permission of the assigned Magistrate Judge Michael R. Merz. The Clerk of Court is DIRECTED to REFUSE to accept for filing any paper which has not been so approved.

Id. at PageID 2772.

Undeterred by this express court order, Colquitt has continued to tender to the Clerk for filing frivolous papers which are essentially duplicative of the papers before Judge Rice when he entered this order. Nor have these tenders been sporadic: sixty-seven of them have been tendered to the Clerk since April 15, 2019.

The Magistrate Judge has treated each such tender as an implicit request for permission to file, particularly since Colquitt Begins each document “I am filing . . .” The Clerk has stamped each such document as “received.” Having examined each such document, the Magistrate Judge has endorsed thereon “Permission to file denied.” The Clerk has then scanned each such document for the record; copies may be viewed at P:\Clerk\Colquitt filings.

Continuation of this daily exercise is pointless. For whatever unexplained and inexplicable reason, Colquitt continues defiantly to violate Fed.R.Civ.P. 11 and Judge Rice’s Order, thereby committing contempt of court for which he could be jailed. The result of treating these papers as

the Magistrate Judge has been doing is to waste his time and that of the Deputy Clerk who must receive and then scan them.

Fed.R.Civ.P. 7 provides that a request for a court order must be made by a motion in writing stating with particularity the reasons for the motion and the relief sought. Any future tender of papers for filing by Defendant must be accompanied by a written motion seeking leave to file which complies with Fed.R.Civ.P. 7. In the absence of such a motion, the Clerk shall refuse to receive any paper from Colquitt. Any such motion shall be docketed in the ordinary course and brought immediately to the attention of the undersigned.

Permission to file the attached documents is denied.

July 11, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge